

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES HAYDEN,	)	CASE NO.: 1:17-CV-2635
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
	)	
2K GAMES INC., et al.,	)	<u>MOTION OF THE REGISTER OF</u>
	)	<u>COPYRIGHTS FOR</u>
Defendants.	)	<u>AN EXTENSION OF TIME TO RESPOND</u>
	)	<u>TO THE COURT'S ORDER</u>

The undersigned counsel of the United States appear on behalf of the Register of Copyrights (Register) for the purpose of requesting an enlargement of the time for filing a response to the Court's Request to Register of Copyrights Pursuant to 17 U.S.C. § 411(b)(2), Dkt. No. 229 (May 25, 2023) (Order). For the reasons stated below, the Register requests the time for responding be enlarged by 60 days, from June 24, 2023 to August 23, 2023.

The Court filed its Order on May 25, 2023 and the Order was received by the Copyright Office (the Office) on the same day. The Order seeks answers to five questions posed by the Court as to whether Office would have refused registration of Plaintiff's applications for registration, had it known various facts described in the Order. The Order requested a response from the Register of Copyrights in 30 days from receipt, i.e., on or before June 24, 2023.

The Office has reviewed the Order on behalf of the Register and submits that a fulsome response to the questions posed will require more than 30 days. The Register appreciates the opportunity to provide guidance on copyright registration practices to the Court and gives high priority to requests pursuant 17 U.S.C. § 411(b). Based on the Office's experience and current workload, the Office anticipates that it will require 60-90 days to provide the Register's response to the Court.

Federal Rule of Civil Procedure 6 (b)(1)(A), permits a court to extend the scheduled dates for good cause. Good cause supports this application because the Register is not a Party to this action and, therefore, did not participate in the scheduling of the response. Nor did the parties consult the Office before requesting that the Court seek the Register's views.

To respond to the Court's order, attorneys from the Office must carefully review the Office's records related to the copyright registrations at issue. The Office then must consider all available information in light of the statutory requirements of the Copyright Act, any relevant regulations, and the Office's copyright registration practices as laid out in the applicable version of the Compendium of U.S. Copyright Office Practices. Attorneys from the Office of the General Counsel work collaboratively with the Registration Policy and Practice division of the Office, as well as with Department of Justice, in drafting the response. The Register personally reviews and signs the final response. The small legal staff of the Office has received several requests under section 411(b) for which the Office is preparing a response. And those same attorneys are currently working on multiple litigation matters, regulatory projects, and policy studies, as well as a new initiative examining copyright law and policy issues raised by artificial intelligence technology. Based on available resources, the Office is unable to provide a response to the Court's request within 30 days but can do so within 90 days from receipt of the Order.

Accordingly, the United States requests that the Register of Copyrights be granted until August 23, 2023 to provide her response.

On June 1, 2023, counsel for the United States contacted counsel for Hayden and 2K Gaming, Inc., by email, seeking their advice as to whether their respective clients objected to this motion. Counsel for 2K Games, Inc. and Take-Two Interactive Software, Inc. responded on June 1 and counsel for Hayden responded on June 2, 2023. Both parties stated that they did not object to the enlargement.

For the foregoing reasons, the Register respectfully requests that this Court issue an Order extending the time for her response from June 24, 2023 to August 23, 2023.

Respectfully submitted,

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